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7 Attorneys for Complainant

8 BEFORE THE DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation)
13 Against:)

NO. D-2244

14 GERALD M. ANDERSON, M.D.)
15 18043 South Crenshaw Blvd.)
16 Torrance, California 90504)

STIPULATION FOR
SETTLEMENT, DECISION
AND ORDER

17 Physician's and Surgeon's)
18 Certificate No. A-21634,)

19 Respondent.)

20 IT IS HEREBY STIPULATED by and between the herein
21 below noted parties in the above entitled matter as follows:

22 1. Accusation number D-2244, as supplemented, is
23 currently pending against Gerald M. Anderson, M.D. (hereinafter
24 referred to as "respondent") before the Division of Medical
25 Quality of the Board of Medical Quality Assurance of the State
26 of California (hereinafter referred to as "board").

27 2. Respondent has counseled with, and is represented
by, George R. Royce, Esq., of the firm of Royce & Seaman in
this matter.

1 3. Respondent is fully aware of the charges and
2 allegations contained in said accusation number D-2244 on file
3 with the board and respondent has been fully advised with regard
4 to his rights in this matter.

5 4. Respondent is fully aware of his right to a hearing
6 on the charges and allegations contained in said accusation
7 number D-2244, his right to reconsideration, appeal, and any
8 and all other rights which may be accorded him pursuant to the
9 Administrative Procedure Act.

10 5. Respondent freely and voluntarily waives his
11 right to a hearing, reconsideration, appeal, and any and all
12 other rights which may be accorded him by the Administrative
13 Procedure Act with regard to said accusation number D-2244 on
14 file with the board.

15 6. The allegations contained in paragraphs 1, 2, 7,
16 8, 9, 10, 14, and 15, of said accusation number D-2244 are
17 true as alleged.

18 7. Based upon the foregoing stipulations, cause for
19 disciplinary action has been established under the provisions
20 sections 2360 and 2361 of the Business and Professions Code in
21 connection with the violations of Business and Professions Code
22 section 2390, section 2391.5 in conjunction with Health and
23 Safety Code section 11170, and section 2435.

24 8. The Division of Medical Quality of the Board of
25 Medical Quality Assurance shall issue the following order:

26 Physician's and surgeon's certificate number A-21634
27 heretofore issued to Gerald M. Anderson, M.D. is hereby revoked;

1 however, said revocation is stayed and respondent is placed on
2 probation for a period of 10 years upon the following terms
3 and conditions:

4 A. Respondent must obey all federal, state and
5 local laws, and all rules governing the practice of
6 medicine in California.

7 B. Respondent must submit quarterly declarations
8 under penalty of perjury, on forms provided by the
9 division, stating whether there has been compliance
10 with all conditions of probation.

11 C. Respondent must comply with the division's
12 probation surveillance program.

13 D. Respondent must appear in person for interviews
14 with the division's medical consultant upon request at
15 various intervals with reasonable notice.

16 E. In the event respondent should leave California
17 to reside or to practice outside of the state, respondent
18 must notify the division of the dates of departure and
19 return, a period of residency or practice outside
20 California will not apply to the reduction of this
21 probationary period.

22 F. Respondent must not prescribe, administer,
23 dispense, or order controlled substances listed in
24 Schedule III of Health and Safety Code section 11056.

25 G. Respondent must abstain completely from personal
26 use of controlled substances and narcotic drugs except
27 those prescribed, administered or dispensed to respondent

1 by another physician for a bona fide illness or condition.

2 H. Respondent must comply immediately with
3 requests from the division when designated to submit to
4 biological fluid testing.

5 I. During each year of probation respondent must
6 enroll and successfully complete 25 units of continuing
7 education in medical therapeutics in addition to those
8 units required for renewal of his physician's and
9 surgeon's certificate.

10 J. Within 30 days of the effective date of this
11 decision, respondent must submit to the division for its
12 prior approval the name and qualifications of a psychiatrist
13 of his choice. Within 60 days of the effective date of
14 this decision, respondent must undergo a psychiatric
15 examination by the approved psychiatrist who shall furnish
16 a report to the division determining whether respondent
17 requires psychiatric treatment to practice medicine safely.
18 Respondent must undergo treatment if so recommended.
19 During the period of psychiatric treatment, respondent
20 must have the approved psychiatrist furnish semiannual
21 progress reports to the division.

22 K. If respondent violates probation in any respect,
23 the division, after giving the respondent notice and
24 opportunity to be heard, may move to set aside the stay
25 order and reimpose the revocation of the respondent's
26 certificate.

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L. Upon successful completion of probation,
respondent's certificate will be fully restored.

9. The within stipulation shall be subject to the
approval of the Division of Medical Quality of the Board of
Medical Quality Assurance. If the division fails to approve
the stipulation, it shall have no force or effect for either
party.

GEORGE DEUKMEJIAN, Attorney General
ALAN A. MANGELS,
Deputy Attorney General

DATED: Sept 6, 1979

Alan A. Mangels
ALAN A. MANGELS
Deputy Attorney General

Counsel for Complainant

DATED: Aug 16, 1979

George R. Royce
GEORGE R. ROYCE, Esq.
Counsel for Respondent

I HAVE READ AND UNDERSTOOD THE TERMS OF THE ABOVE
STIPULATION AND HAVE DISCUSSED IT WITH MY ATTORNEY. I FULLY
AND FREELY ACCEPT ALL TERMS AND CONDITIONS OF THE STIPULATIONS
AND SETTLEMENT.

DATED: 7/22/79

Gerald M. Anderson MD
GERALD M. ANDERSON, M.D.
Respondent

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6 BEFORE THE DIVISION OF MEDICAL QUALITY

7 BOARD OF MEDICAL QUALITY ASSURANCE

8 DEPARTMENT OF CONSUMER AFFAIRS

9 STATE OF CALIFORNIA

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|------------------------------------|---|------------|
| 11 In the Matter of the Accusation |) | NO. D-2244 |
| 12 Against: |) | |
| |) | |
| 13 GERALD M. ANDERSON, M.D. |) | ACCUSATION |
| 18043 South Crenshaw Blvd. |) | |
| Torrance, California 90504 |) | |
| |) | |
| Physician's and Surgeon's |) | |
| Certificate No. A-21634, |) | |
| |) | |
| Respondent. |) | |

17

18 COMES NOW complainant Robert G. Rowland, Executive
19 Director, Board of Medical Quality Assurance, who, as causes
20 for disciplinary action alleges as follows:

21 1. He is the Executive Director of the Board of
22 Medical Quality Assurance (hereinafter referred to as
23 "board") and makes and files this accusation in his official
24 capacity as such and not otherwise.

25 2. On or about July 1, 1965, the Board of Medical
26 Examiners (predecessor to the board) issued to Gerald M.
27 Anderson (respondent herein and hereinafter referred to as

1.

1 "respondent"), physician's and surgeon's certificate number
2 A-21634. Said certificate has been in full force and effect
3 since issuance.

4 3. Sections 2360 and 2361 of the Business and
5 Professions Code provide for disciplinary action against a
6 licensee who is guilty of unprofessional conduct.

7 4. Section 2390 of the Business and Professions
8 Code provides, in part, that administering to himself of any
9 narcotic drug specified in schedule III of section 11056, of
10 the Health and Safety Code, constitutes unprofessional
11 conduct.

12 5. Section 2391.5 of the Business and Professions
13 Code provides, in part, that a violation of any of the
14 statutes of this state regulating narcotics, dangerous
15 drugs, or controlled substances, constitutes unprofessional
16 conduct.

17 6. Section 11170 of the Health and Safety Code, a
18 statute regulating controlled substances, provides, in part,
19 that no person shall administer a controlled substance for
20 himself.

21 7. Fiorinal with Codeine (Sandoz' brand of
22 Codeine, butalbital, caffeine, aspirin and phenacetin) is a
23 dangerous drug as defined in section 4211, subdivisions (k)
24 and (l) of the Business and Professions Code; and is a
25 schedule III controlled substance as defined in sections
26 11056, subdivisions (b)(1), and (d)(2), of the Health and
27 Safety Code; and is a schedule III federally controlled

1 substance as defined at title 21 of the Code of Federal
2 Regulations, section 1308.13, subdivisions (c)(3), and
3 (e)(2).

4 8. Respondent is subject to disciplinary action
5 pursuant to sections 2360 and 2361 of the Business and
6 Professions Code in that he is guilty of unprofessional
7 conduct within the meaning of section 2390 of the Business
8 and Professions Code in that he has administered to himself
9 a narcotic drug specified in schedule III of section 11056
10 of the Health and Safety Code. The circumstances are as
11 follows:

12 On or about May 11, 1978, respondent
13 administered to himself the drug Fiorinal with Codeine
14 from his own office supply.

15 9. Respondent is subject to disciplinary action
16 pursuant to sections 2360 and 2361 of the Business and
17 Professions Code in that he is guilty of unprofessional
18 conduct within the meaning of section 2391.5 of the Business
19 and Professions Code in that he has violated section 11170
20 of the Health and Safety Code. The circumstances are as
21 follows:

22 Paragraph 8 with its subparagraph are
23 incorporated herein as if set out at length.

24 WHEREFORE, complainant prays that the Division of
25 Medical Quality hold a hearing on the matter alleged herein
26 and following said hearing issue a decision:

27 /

3.

1 1. Suspending or revoking the physician's and
2 surgeon's certificate heretofore issued to Gerald M.
3 Anderson, M.D.; and

4 2. Taking such other action as the board in its
5 discretion deems proper.

6 DATED: October 13, 1978

7 

8 Robert G. Rowland
9 Executive Director
10 Board of Medical Quality Assurance
11 State of California

12 Complainant
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7 BEFORE THE DIVISION OF MEDICAL QUALITY
8 BOARD OF MEDICAL QUALITY ASSURANCE
9 DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11
12 In the Matter of the Accusation) NO. D-2244
Against:)
13 GERALD M. ANDERSON, M.D.) FIRST SUPPLEMENTAL
Physician's and Surgeon's) ACCUSATION
14 Certificate No. A-21634,)
15 Respondent.)

16
17 COMES NOW complainant Robert G. Rowland, Executive
18 Director, Board of Medical Quality Assurance, and alleges as
19 follows:

20 10. He is the Executive Director of the Board of
21 Medical Quality Assurance, (hereinafter referred to as "board")
22 and makes this first supplemental accusation in his official
23 capacity as such and not otherwise.

24 11. Section 2361, subdivision (a), of the Business
25 and Professions Code (hereinafter referred to as the "code")
26 provides, in part, that unprofessional conduct includes violating
27 or attempting to violate, directly or indirectly, or assisting in

1 or abetting the violation of, or conspiring to violate, any
2 provision or term of the State Medical Practice Act. (Bus. &
3 Prof. Code, ch. 5, div. 2, §§ 2000-2528.3.)

4 12. Section 2435 of the code constitutes a provision
5 or term of the State Medical Practice Act and provides in part
6 that every physician who, while in actual attendance on patients,
7 is intoxicated to such an extent as to impair his ability to
8 conduct the practice authorized by his certificate with safety
9 to the public and his patients, is guilty of a misdemeanor.

10 13. Section 2390 of the code provides in part that the
11 use of any of the dangerous drugs specified in section 4211 of the
12 code to the extent or in such a manner as to be dangerous or
13 injurious to a person holding a certificate under chapter 5,
14 division 2, of the code, or to any other person or to the public,
15 or to the extent that such use impairs the ability of such person
16 so holding such certificate to conduct with safety to the public
17 the practice authorized by such certificate, constitutes un-
18 professional conduct.

19 14. Respondent is further subject to disciplinary
20 action pursuant to code sections 2360 and 2361 in that he is guilty
21 of unprofessional conduct within the meaning of section 2390 of the
22 code in that he has used a dangerous drug specified in section 4211
23 of the code to the extent or in such a manner as to be dangerous
24 or injurious to himself or to any other person or to the public,
25 or to the extent that such use impaired his ability to conduct
26 with safety to the public the practice authorized by his
27 certificate. The circumstances are as follows:

1 On or about May 11, 1978, respondent during office
2 hours at his place of practice at 18043 S. Crenshaw
3 Boulevard, Torrance, California, was under the influence
4 of Fiorinal with codeine to the extent that it impaired
5 his ability to conduct with safety to the public the
6 practice authorized by his certificate, and such that
7 he was a danger to himself and/or to the patients he
8 was seeing that day.

9 15. Respondent is further subject to disciplinary action
10 pursuant to code sections 2360 and 2361 in that he is guilty of
11 unprofessional conduct within the meaning of section 2361, sub-
12 division (a), by violating or attempting to violate, directly or
13 indirectly, or assisting in or abetting the violation of, or
14 conspiring to violate a provision or term of the State Medical
15 Practice Act, to wit, code section 2435. The circumstances are
16 as follows:

17 Paragraph 14 with its subparagraph are incorporated
18 herein as if set out at length.

19 WHEREFORE, complainant prays that the Division of Medical
20 Quality hold a hearing on the matter alleged herein, and, following
21 said hearing, issue a decision:

22 1. Suspending or revoking the physician's and surgeon's
23 certificate heretofore issued to Gerald M. Anderson, M.D.; and

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3.

2. Taking such other action as the board in its discretion deems proper.

DATED: March 13, 1979

~~Robert G. Rowland~~
~~Executive Director~~
~~Board of Medical Quality Assurance~~
~~State of California~~

Complainant

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STATE OF CALIFORNIA
STD 113 (REV 8-72)

2/25/79

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11 BEFORE THE DIVISION OF MEDICAL QUALITY
12 BOARD OF MEDICAL QUALITY ASSURANCE
13 DEPARTMENT OF CONSUMER AFFAIRS
14 STATE OF CALIFORNIA
15

16 In the Matter of the Accusation)
17 Against:) NO. D-2244
18)
19 GERALD M. ANDERSON, M.D.) SECOND SUPPLEMENTAL
20 Physician's and Surgeon's) ACCUSATION
21 Certificate No. A-21634,)
22 Respondent.)
23

24 Complainant, as further and additional cause for
25 disciplinary action, hereby supplements the herein accusation
26 number D-2244, as follows:

27 16. Pursuant to section 2234, subdivision (b) (formerly
§ 2361, subd. (b)), gross negligence is unprofessional conduct.

17. Pursuant to section 2234, subdivision (d) (formerly
§ 2361, subd. (d)), incompetence is unprofessional conduct.

18. Respondent is subject to disciplinary action
pursuant to sections 2220 and 2254 (formerly §§ 2360 and 2361,
respectively) in that he is guilty of unprofessional conduct
within the meaning of section 2234, subdivisions (b) and (d), for
acts of gross negligence and incompetence as follows:

1 A. During the period from on or about July 2,
2 1979, through and including on or about January 24,
3 1980, respondent did render medical treatment to
4 patient Dorothy W.

5 B. During the aforesaid period, respondent was
6 grossly negligent and incompetent in the treatment
7 rendered to said patient. Said gross negligence and
8 incompetence included, but was not limited to, the fact
9 that respondent failed to properly diagnose symptoms of
10 transient ischemic attack and further failed to properly
11 provide adequate physical examination, testing, and
12 treatment for the condition of said patient.

13 WHEREFORE, complainant requests that the Division of
14 Medical Quality hold a hearing on the matters alleged herein, and
15 following said hearing, issue a decision:

16 1. Suspending or revoking the physician's and surgeon's
17 certification number A-21634 heretofore issued to Gerald M.
18 Anderson, M.D.; and

19 2. Taking such other action as the board in its
20 discretion deems proper.

21 DATED: Jan 7, 1981

22
23 Robert S. Rowland by
24 Alfred M. Angelo, M.D. by direction
25 ROBERT G. ROWLAND
26 Executive Director
27 Board of Medical Quality Assurance
State of California

Complainant

AAM:glr
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